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OCT 15 2004

 <b>ADVANCED BIONICS</b> 12740 San Fernando Rd. Sylmar, CA 91342	<b>FAX TRANSMITTAL</b> To: US Patent & Trademark Office Examiner Joseph S. Machuga, Art Unit 3762, phone (703) 305-6184 Fax: (703) 872-9306 From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507 Date: October 15, 2004 Pages: Ten (10), Including Cover Page Re: Amendment Under 37 CFR 1.116 for S/N 09/929,597, filed 08/13/2001 (August 13, 2001); Attorney Docket No.: AB-126U	<b>Certificate of Transmission</b> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office. Fax. No. (703) 872-9306</p> <p>on this date: <u>October 15, 2004</u></p> <p>Typed Name: <u>Karyn M. Murray</u></p> <p>Signature: <u>Karyn M. Murray</u></p> <p>Date: <u>2004 OCT 15</u></p>
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**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$980 to Deposit Account (1 page); and
- Supplemental Amendment Under 37 CFR 1.116, responding to an Advisory Action mailed October 4, 2004 and a final Office Action mailed April 19, 2004, for Application Serial Number 09/929,597 (8 pages).

Thank you.

Please Acknowledge Receipt of This Communication.

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## AMENDMENT TRANSMITTAL LETTER

Attorney Docket No:  
AB-126UApplication Serial Number:  
09/929,597Filing Date:  
8/13/2001Examiner:  
Joseph S. MachugaGroup Art Unit:  
3762

Title: Fully Implantable Microstimulator for Spinal Cord Stimulation as a Therapy for Chronic Pain

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18	MINUS	24	0	\$18	\$0
INDEP. CLAIMS	2	MINUS	3	0	\$88	\$0

Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 4/19/2004 to and through 10/15/2004, comprising an extension of the shortened statutory period of:

- one month (\$110)       three months (\$980)  
 two months (\$430)       four months (\$1,530)

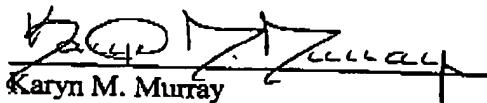
## TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

Charge \$ 980.00 to Deposit Account 50-0648.

Date

2004 Oct 15  
Laura Haburay Bishop  
Reg. No. 47424

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Karyn M. Murray

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Docket No.: AB-126U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/929,597  
Conf. No.: 9184

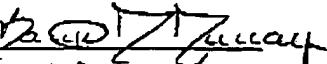
Applicants: Whitehurst, et al.  
Filed: August 13, 2001  
TC/A.U.: 3762  
Examiner: Joseph S. Machuga

Title: Fully Implantable Microstimulator for  
Spinal Cord Stimulation as a Therapy for  
Chronic Pain

Docket No.: AB-126U  
Customer No.: 23845

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Date: 2004 Oct 15

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

Supplemental Amendment Under 37 CFR 1.116

Dear Examiner:

This amendment responds to the final Office action mailed April 19, 2004 and the Advisory Action mailed October 4, 2004 for the above-identified application. An extension fee for response within the third month is being submitted concurrently herewith.

By way of the present amendment, applicants pursue the subject matter of claims 2 and 19, which the Examiner indicated would be allowable if timely submitted. Therefore, applicants believe that this Amendment places the claims in condition for allowance. It is earnestly requested that this Amendment be considered and entered. Applicants reserve the right to pursue the claims canceled herein in one or more continuations.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

Application Number 09/929,597  
Amendment dated October 15, 2004  
Reply to final Office Action mailed April 19, 2004 and Advisory Action mailed October 4, 2004

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